

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, JANUARY 20, 2016

1. HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:

January 22, 2016 @ 9:30 a.m.:

- a. Keith Murphy's Taproom, 494 Elm Street, Manchester, NH.
Restaurant Full Service With Lounge License #1333403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: October 16, 2015.
Case #: 15-412-OF.

January 22, 2016 @ 10:30 a.m.:

- b. American Legion Post 31, 11 Charles Street, Penacook, NH.
Veterans Club License #18039 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: May 9, 2015.
Case #: 15-181-OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; MOTION GRANTED.

January 22, 2016 @ 11:00 a.m.:

- c. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 24, 2015. Case #: 15-65-OF.
THIS HEARING HAS BEEN CANCELED; THIS VIOLATION WILL BE AGGREGATED WITH VIOLATIONS FROM PENDING INVESTIGATIONS.

January 22, 2016 @ 11:30 a.m.:

- d. Alburritos Mexican Restaurant, 406 Union Street, Littleton, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1398503 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: March 13, 2015.
Case #: 15-153-OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY THE LICENSEE AND GRANTED; NEW HEARING DATE IS 1/22/16 @ 11:30 A.M.
ASSENTED-TO MOTION TO CONTINUE FILED BY THE DOE.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

Milton Order Of Moose, 288 White Mountain Highway, Milton, NH.
Social Club License #31401 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a signed club financial report by the 15th of the following month – 2 counts.
Date of violation: December 2, 2015.
Case #: 15-456-OF.
\$200 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

Queen City Rotary Club-Foundation,
Hellenic Community Center, 650 Hanover Street, Manchester, NH 03104.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 1/21/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JANUARY 19, 2016: 1,153

- a. Beanery Brewing LLC, 442 East Woodstock Road, Woodstock, VT 05091.
To be issued Beverage Vendor License #76731 pursuant to RSA 178:15.
Manufacturer: Beanery Brewing LLC.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Fero Vineyards and Winery, 965 JPM Road, Lewisburg, PA 17837.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Funky Bow Brewery and Beer Company LLC, 21 LedgeWood Lane, Lyman, ME 04002.
To be issued Beverage Vendor License #76531 pursuant to RSA 178:15.
Manufacturer: Funky Bow Brewery and Beer Company.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Kelley Stearns Fox Wines LLC, 2724 SW 2nd Avenue, Portland, OR 97201.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. 2 Percent Hospitality LLC DBA Monadnock Inn, 379 Main Street, Jaffrey, NH 03452.
Restaurant On-Premise Beverage/Wine/Liquor License #1489103 licensed pursuant to RSA 178:21.
Date petition received: 1/8/2016.
Requested a waiver of RSA 178:21, II, a (2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five days a week from January 14, 2016 to April 30, 2016 as indicated in a letter dated January 8, 2016.
COMMISSION ACKNOWLEDGED.
- b. Copper Door LLC, 15 Leavy Drive, Bedford, NH 03110.
Restaurant On-Premise Beverage/Wine/Liquor License #1439203 licensed pursuant to RSA 178:21.
Date petition received: 1/14/2016.
Requested approval for authorization of other areas, to wit, an outside parking lot area with a capacity of 440 for event date January 17, 2016 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED; DEPUTY COMMISSIONER MILLIGAN REQUESTED THAT THE DOE CONTACT THE LICENSEE WELL IN ADVANCE OF SUCH EVENTS TO REVIEW THE USE OF SIGNAGE AND TO IDENTIFY THE DESIGNATED PARKING AREA.
- c. Tacoodely LLC, 12 Gilbo Avenue, Keene, NH 03431.
Restaurant Beverage and Wine License #1485803 licensed pursuant to RSA 178:20.
Date petition received: 12/10/2015.
Requested approval for authorization to transfer business location, to wit, to transfer location from 12 Gilbo Avenue, Keene, NH to 44 Main Street, Keene, NH per their letter dated December 10, 2015 and pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

11. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Dates of violations: October 13, 2014 & December 28, 2014.
Case #: 14-400-OF & 15-7-OF.
HEARING WAS HELD SEPTEMBER 17, 2015.
OCTOBER 1, 2015, THE COMMISSION ISSUED ITS DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING; LICENSEE'S OBJECTION TO SGT. EMERSON'S AND SGT. CALL'S TESTIMONY IS DENIED; OBJECTION TO INVESTIGATOR MONE'S TESTIMONY IS DENIED; AND OBJECTION TO EXCLUDE POLICE AND INCIDENT REPORTS AS WELL AS A LICENSEE'S VIOLATION HISTORY AS EXHIBITS IS GRANTED.
THE DOE FILED AN OBJECTION TO THE DECISION AND ORDER ON OBJECTIONS RAISED AT THE

PRE-HEARING CONFERENCE AND HEARING.

RESPONSE TO OBJECTION TO NOTICE OF DECISION AND ORDER FILED BY THE LICENSEE.

11/24/15, NOTICE OF DECISION REGARDING DOE'S OBJECTION AND FINAL DECISION AND ORDER ISSUED BY THE COMMISSION; RECOMMENDED PENALTIES REQUESTED OF BOTH PARTIES BY 12/2/15;

ASSENTED-TO MOTION TO EXTEND DEADLINE FOR RECOMMENDED PENALTIES FILED BY THE LICENSEE AND GRANTED BY THE COMMISSION; RECOMMENDATIONS ARE DUE BY 12/10/15.

DECISION DATED 12/11/15 - A FINE OF \$2,000 IS IMPOSED WITH \$1,000 HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR ON THE CONDITION OF NO LIKE VIOLATIONS. THE FINE OF \$1,000 SHALL BE PAID WITHIN 30 DAYS; A SUSPENSION OF 10 DAYS IS IMPOSED WITH 8 DAYS HELD IN ABEYANCE FOR A PERIOD OF 12 MONTHS ON THE CONDITION OF NO LIKE VIOLATIONS. THE IMPOSED SUSPENSION SHALL COMMENCE AT 12:00 A.M. ON DECEMBER 21, 2015 WITH A RE-GRANT ON DECEMBER 23, 2015 AT 12:00 A.M.; FOUR POINTS SHALL BE ASSESSED TO LIQUOR LICENSE #1476403; ALAN YANG SHALL CONTACT THE TRAINING UNIT WITHIN 10 DAYS TO SCHEDULE ATTENDANCE AT A MANAGEMENT TRAINING SEMINAR (MTS) NO LATER THAN JANUARY 30, 2016; AND JASON YANG SHALL CONTACT THE TRAINING UNIT WITHIN 10 DAYS TO SCHEDULE ATTENDANCE AT A TOTAL EDUCATION IN ALCOHOL MANAGEMENT (TEAM) SEMINAR NO LATER THAN JANUARY 30, 2016.

MOTION TO STAY PENALTY FILED BY LICENSEE ON DECEMBER 21, 2015.

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

Boys & Girls Club of the North Country, 2572 Route 302, Lisbon, NH 03585.

To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).

Event date: 1/23/2016.

Recommendation: Expedited approval.

Commission approved on 1/12/2016.

COMMISSION ACKNOWLEDGED.